

WB

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff

v.

AMERICA BUILDERS, INC.,

Defendant

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:
:

CIVIL ACTION NO.

19cv492

COMPLAINT

The United States of America, by its Attorneys, William M. McSwain, United States Attorney in and for the Eastern District of Pennsylvania, and Anthony St. Joseph, Assistant United States Attorney for said District, complains of the defendant as follows:

1. This Court has subject matter jurisdiction over this action by virtue of 28 U.S.C. § 1345, in that this is an action brought by the United States of America to collect a sum of money due and owing the Treasury resulting from workplace safety violations cited by the Occupational Safety and Health Administration (“OSHA”).

2. Venue is proper, pursuant to 28 U.S.C. § 1391, in that the defendant, America Builders, Inc. operates at 7017 Large Street, Philadelphia, Pennsylvania, a location within this District.

3. On or about September 26, 2013, OSHA issued defendant a Citation and Notification of Penalty for seven employee and public safety violations of the Occupational Safety and Health Act of 1970, 29 § U.S.C. 651 et seq. (29 C.F.R. Part 1926). OSHA observed said violations on or about September 4, 2013 at defendant’s work site (Lot 268 Olmstead Drive, St. Georges, Delaware), as set forth in the notice attached hereto as Exhibit “A”.

4. On or about January 10 and February 21, 2014, OSHA sent defendant two demand letters, attached hereto as Exhibit "B".

5. On or about November 7, 2014, OSHA notified defendant the matter was referred to the Department of Treasury, Bureau of the Fiscal Service (formerly Financial Management Service) to continue collection action, as set forth in the notice attached hereto as Exhibit "C".

6. Defendant, America Builders, Inc. is indebted to plaintiff for principal in the amount of \$21,120.00, plus administration costs of \$10, Treasury and DOJ costs of \$11,255.22, and penalties of \$5,892.77 and interest of \$999.73 through October 25, 2018 (which continue to accrue at the rates of 6.0 and 1.0% per annum, respectfully), as set forth in the Certificate of Indebtedness attached hereto as Exhibit "D."

7. Defendant has failed to pay the aforesaid amounts although demand for payment has repeatedly been made.

WHEREFORE, plaintiff demands judgment against the defendant, America Builders, Inc., in the amount of \$38,133.71 plus additional prejudgment interest as set forth in paragraph (6) above, accruing from October 25, 2018 until judgment, plus continuing interest on the judgment at the legal rate, plus costs and other proper relief until the debt paid in full.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney


ANTHONY ST. JOSEPH
Assistant United States Attorney

U.S. Department of Labor
Occupational Safety and Health Administration
919 Market Street
Suite 900
Wilmington, DE 19801
Phone: 302-573-6518 Fax: 302-573-6532



Citation and Notification of Penalty

To:
America Builders Inc.
7017 Large St.
Philadelphia, PA 19149

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013

Inspection Site:
Lot 268 Olmstead Dr.
Saint Georges, DE 19733

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/26/2013. The conference will be held by telephone or at the OSHA office located at 919 Market Street, Suite 900, Wilmington, DE 19801 on _____ at _____.

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 940666

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733
Issuance Date: 09/26/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 919 Market Street, Suite 900, Wilmington, DE 19801**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Typed or Printed Name

Date

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.404(b)(1)(ii): On a construction site, where an assured equipment grounding program was not utilized, all 120-volt, single-phase, 15 and 20 ampere receptacle outlets which were not a part of the permanent wiring of the building or structure and which are in use by employees did not have approved ground fault circuit interrupters for personal protection:

a) Lot 268 Olmstead Dr., St. Georges, DE - Employees engaged in residential construction project were observed using a Predator portable 3200/4000 watt Generator that was not equipment with a ground fault circuit interrupters for personal protection. This violation was observed on or about September 4, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit abatement certification and documentation, required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2013
Proposed Penalty:	\$3080.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.405(g)(2)(iii): Flexible cords were not used in continuous lengths without splice or tap:

a) Lot 268 Olmstead Dr., St. Georges, DE - Employees engaged in residential construction was observed using a flexible cord that was spliced. This exposed the employees to an electric shock hazard. The violation was observed on or about September 4, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit abatement certification, required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:	10/02/2013
Proposed Penalty:	\$1320.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.1053(b)(1): Where portable ladder was used for access to upper landing surfaces, the ladder side rails did not extend at least 3 feet above the upper landing surface to which the ladder was used to gain access:

a) Lot 268 Olmstead Dr., St. Georges, DE - Employees were engaged in residential construction and were observed using a portable extension ladder to gain access to an upper landing. The side rails of the ladder did not extend 3 feet above the landing surface. This exposed the employees to a fall hazard. The violation was observed on or about September 4, 2013.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$1320.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1926.602(d): The employer did not certify that each fork truck operator had been trained and evaluated as required by paragraph 29 CFR 1910.178(l):

Note: The requirements applicable to construction work under paragraph (d) of this section are identical to those set forth at paragraph (l) of 29 CFR 1910.178.

a) Lot 268 Olmstead Dr., St. Georges, DE - The employer did not train and certify employees to operate a high reach fork truck. This violation was observed on or about September 4, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit abatement certification, required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 10/08/2013
Proposed Penalty: \$1320.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1926.20(b)(2): The employer did not initiate and maintain a safety program which provides for frequent and regular inspections of jobsites, materials, and equipment to be made by a competent person:

a) Lot 268 Olmstead Dr., St. Georges, DE - The employer did not perform frequent and regular inspections of the jobsite to ensure that the hazards present on the jobsite were corrected. Hazards that were present on the jobsite were fall hazards, lack of personal protection equipment, no GFCI on the portable generator, side rails on ladders not extended 3 feet and no training for fork lifts. This violation was observed on or about September 4, 2013.

American Builders Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.20(b)(2), which was contained in OSHA inspection number 315977868, citation number 1, item number 1, and was affirmed as a final order on 12/02/2011, with respect to a workplace located at 6 Cloverdale Court, Hainesport, NJ.

Pursuant to 29 CFR 1903.19, the employer must submit abatement certification and documentation, required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2013
Proposed Penalty:	\$4400.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1926.102(a)(1): Eye and face protective equipment were not used when machines or operations presented potential eye or face injury:

a) Lot 268 Olmstead Dr., St. Georges, DE - Safety glasses were not utilize by the employees when working with power tools such as but not limited to a pneumatic nail gun while performing sheathing activities. This violation was observed on or about September 4, 2013.

American Builders Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.102(a)(1), which was contained in OSHA inspection number 315977868, citation number 1, item number 2 and was affirmed as a final order on 12/02/2011, with respect to a workplace located at 6 Cloverdale Court, Hainesport, NJ.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3520.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 940666
Inspection Date(s): 09/04/2013 - 09/04/2013
Issuance Date: 09/26/2013



Citation and Notification of Penalty

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet or more above lower levels were not protected by guardrail systems or personal fall arrest system:

a) Lot 268 Olmstead Dr., St. Georges, DE - Employees were engaged in sheathing the roof of a residential home and were working at a height of approximately 20 to 25 feet above the ground. The employees were not utilizing fall protection such as but not limited to a personal fall arrest system or guardrails. This violation was observed on or about September 4, 2013.

American Builders Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 315977868, citation number 1, item number 3 and was affirmed as a final order on 12/02/2011, with respect to a workplace located at 6 Cloverdale Court, Hainesport, NJ.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6160.00

A handwritten signature in black ink, appearing to read "Lon Sullivan".

Lon Sullivan
Acting Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities

U.S. Department of Labor
Occupational Safety and Health Administration
919 Market Street
Suite 900
Wilmington, DE 19801
Phone: 302-573-6518 Fax: 302-573-6532



INVOICE / DEBT COLLECTION NOTICE

Company Name: America Builders Inc.
Inspection Site: Lot 268 Olmstead Dr., Saint Georges, DE 19733
Issuance Date: 09/26/2013

Summary of Penalties for Inspection Number	940666
Citation 1, Serious	\$7040.00
Citation 2, Repeat	\$14080.00
TOTAL PROPOSED PENALTIES	\$21120.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

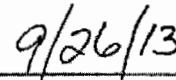
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Lon Sullivan
Acting Area Director



Date

U.S. Department of Labor
Occupational Safety and Health Administration
919 Market Street Suite 900
Wilmington, DE 19801
Phone: 302-573-6518 Fax: 302-573-6532



January 10, 2014

America Builders Inc.
7017 Large St.
Philadelphia, PA 19149

Inspection Number : 940666
Due Date : 01/07/2014
Delinquent Date : 02/07/2014

Dear Employer:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your company on 09/26/2013. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of 6 percent a year accruing from the date that the debt became delinquent, will also be assessed.

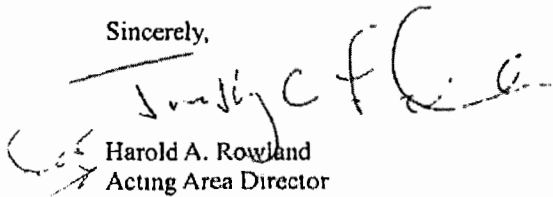
Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:



A review of our records indicates that you have paid.	\$0.00
The current unpaid balance of the total penalty assessed is:	\$21120.00
The current total of interest accrued is:	\$0.00
The current total delinquent is:	\$0.00
The current charge for administrative cost is.	\$10.00
TOTAL AMOUNT NOW DUE	\$21130.00

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately

Sincerely,



Harold A. Rowland
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
919 Market Street Suite 900
Wilmington, DE 19801
Phone: 302-573-6518 Fax: 302-573-6532



February 21, 2014

America Builders Inc.
415 Selma Street
Philadelphia, PA 19116

Inspection Number : 940666
Due Date : 01/07/2014
Delinquent Date : 02/07/2014

Dear Employer:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on 09/26/2013. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six (6) percent a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid:	\$0.00
The current unpaid balance of the total penalty assessed is:	\$21120.00
The current total of interest accrued is:	\$17.60
The current total delinquent is:	\$0.00
The current charge for administrative cost is:	\$10.00
TOTAL AMOUNT NOW DUE :	\$21147.60

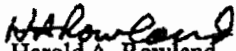
Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the [pay.gov](http://www.pay.gov) homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is as follows:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,


Harold A. Rowland
Acting Area Director

(Page 1 of 1)

DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
P O BOX 830794
BIRMINGHAM, AL 35283-0794



November 7, 2014



America Builders Inc
c/o Carlito Andrade Business Contact
415 Selma Street
PHILADELPHIA, PA 19116

FedDebt Case Identification: 2014307675A
Agency Debt Identification: 940666A464069

Your unpaid delinquent debt owed to the Department of Labor, Occupational Safety and Health Admin, OSHA, has been referred to the U S Department of the Treasury for collection. According to the records of the Department of Labor, you owe \$22,157.50

Collection action will continue unless you make payment, within ten (10) days from the date of this letter, in the amount of \$28,361 60, which includes all applicable fees, interest, and penalties, as of today.

If you wish to avoid further collection action and additional charges, you must immediately pay your debt. Your check or money order should be made payable to the U.S. Treasury-FMS. To ensure proper credit to your account, please include the FedDebt Case Identification Number 2014307675A in the memo section of your payment. Please note that we accept credit card payments via MasterCard, Visa, Discover, or American Express. Please send your payment with the attached PAYMENT COUPON to: U S Department of the Treasury - FMS
Debt Management Services
Post Office Box 979101
St. Louis, MO 63197-9000

You may also make an electronic payment via pay.gov
(<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=16531440>).

Correspondence should be mailed to: U.S. Department of the Treasury
Debt Management Services
Post Office Box 830794
Birmingham, AL 35283-0794

If you are unable to pay your debt in full, please contact a Customer Service Representative toll free at (888) 826-3127, or the Telecommunications Device for the Deaf (TDD) at (866) 896-2947.

U S Department of the Treasury
Debt Management Services

DSBDL__003__fdv1

Detach Here

00000004812014307675A DL 0011138025 108

PAYMENT COUPON

America Builders Inc.
c/o Carlito Andrade Business Contact
415 Selma Street
PHILADELPHIA, PA 19116

FedDebt Case Identification Number: 2014307675A
Amount Due: \$28,361 60
Amount Enclosed: _____

Remit to:
U.S. Department of the Treasury -- FMS
Debt Management Services
Post Office Box 979101
St. Louis, MO 63197-9000

METHOD OF PAYMENT (check one)			
Make check/money order payable to: U.S. Department of Treasury - FMS			
<input type="checkbox"/> Personal/Company Check	<input type="checkbox"/> Money Order	<input type="checkbox"/> Bank Check	
<input type="checkbox"/> Visa	<input type="checkbox"/> MasterCard	<input type="checkbox"/> Discover	<input type="checkbox"/> American Express
Credit Card Account Number: _____			
Expiration Date: _____		Authorized Amount: _____	
Authorized Signature: _____			

979101 2014307675A 00000004812014307675A 4





DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and
Address (es):

America Builders, Inc.
7017 Large Street
Philadelphia, PA 19149

Total debt due United States as of October 25, 2018:

Principal: \$21,120.00
Interest (@1.0%): \$ 999.73
Penalty (@6.0%): \$ 5,892.77
Admin.: \$ 10.00
Treasury & DOJ fees: \$11,255.22
(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527 Note)
TOTAL: \$38,133.71

I certify that the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with seven employee and public safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), as noted during a September 4, 2013 OSHA inspection of debtor's Lot 268 Olmstead Drive, Saint Georges, Delaware work-site.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Department of Labor, Occupational Safety and Health Administration.

Date:

10/25/2018

A handwritten signature in black ink, appearing to read "Regina Crisafulli", is written over a horizontal line.

Regina Crisafulli
Financial Program Specialist
U.S. Department of the Treasury
Bureau of the Fiscal Service



JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

ANTHONY ST. JOSEPH, AUSA
U.S. Attorney's Office
615 Chestnut Street, Suite 1250, Philadelphia, PA 19106

DEFENDANTS

AMERICA BUILDERS, INC.
7017 Large Street, Philadelphia, PA 19149

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus. <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

29 U.S.C. Section 651 Occupational Safety and Health

Brief description of cause

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

FEB - 4 2019

DATE

2/4/19

SIGNATURE OF ATTORNEY OF RECORD

Anthony St. Joseph

Anthony St. Joseph, Assistant United States Attorney

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: United States Attorney's Office, 615 Chestnut St., Suite 1250, Philadelphia, PA 19106

Address of Defendant: 7017 Large Street, Philadelphia, PA 19149

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 2/4/19 Anty St. Joseph 84901
Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FELA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☐ 7 Civil Rights
- ☒ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☒ 11 All other Federal Question Cases
(Please specify) 29 U.S.C. 651

B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☐ 5 Motor Vehicle Personal Injury
- ☐ 6 Other Personal Injury (Please specify) _____
- ☐ 7 Products Liability
- ☐ 8 Products Liability - Asbestos
- ☐ 9 All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.
- ☐ Relief other than monetary damages is sought.

FEB - 4 2019

DATE _____ Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

WB

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

UNITED STATES OF AMERICA

CIVIL ACTION

v.

AMERICA BUILDERS, INC.

NO.

19cv492

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus - Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

<u>2/4/19</u>	<u>Anthony St. Joseph</u>	<u>Anthony St Joseph</u>
Date	Attorney-at-law	Attorney for Plaintiff
<u>215-861-8267</u>	<u>215-861-8618</u>	<u>Anthony.StJoseph@usdoj.gov</u>
Telephone	FAX Number	E-Mail Address

FEB - 4 2019